

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|----------------------|---|---------------------------|
| LARRY A. McEWEN, |) | |
| |) | |
| Petitioner, |) | Case No. 4:12 CV 2293 DDN |
| |) | |
| v. |) | |
| |) | |
| MICHAEL S. BOWERSOX, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

This action is before the court on the motion of respondent Michael S. Bowersox for a more definite statement and for an extension of time for response. (Doc. 16.) The parties have consented to the exercise of plenary authority by the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Doc. 13.)

On December 7, 2012, pro se petitioner Larry A. McEwen commenced this federal habeas action under 28 U.S.C. § 2254, asserting that he received ineffective assistance of counsel at the trial, appellate, post-conviction, and appellate post-conviction levels. (Doc. 1.) Respondent Michael S. Bowersox moves for a more definite statement, noting that rather than setting forth the grounds in a narrative manner, petitioner merely refers to attached exhibits without further designating whose error each of the cited materials are intended to support. (Doc. 16.) “[A] petitioner must state specific, particularized facts which entitle him or her to habeas corpus relief for each ground specified.” Adams v. Armontrout, 897 F.2d 332, 334 (8th Cir. 1990).

On August 2, 2013, petitioner amended his petition with the assistance of counsel. (Doc. 18.) Because the amended petition appears to address the concerns raised in respondent’s motion for a more definite statement, that motion is denied as moot.

Respondent also moves for a forty-five day extension of time respond to the order to show cause, which petitioner does not contest.

For the reasons stated above,

IT IS HEREBY ORDERED that the motion of respondent Michael S. Bowersox for a more definite statement (Doc. 16) is denied as moot.

IT IS FURTHER ORDERED that the motion of respondent Michael S. Bowersox for an extension of time for response (Doc. 16) is sustained. Respondent Michael S. Bowersox must file a response to the amended petition not later than November 1, 2013.

/S/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on September 18, 2013.